

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James Wayne Frye,

Plaintiff,

v.

Minnesota Department of Corrections, et al.,

Defendants.

Civil No. 05-1327 (JNE-JJG)

**REPORT
AND
RECOMMENDATION**

This matter returns to the undersigned on a motion, by plaintiff James Frye, for a preliminary injunction (Doc. No. 204). Mr. Frye (Frye) alleges that prison officials seized his papers in order to inhibit his litigation of this matter, and therefore, he seeks a preliminary injunction requiring prison officials to release the papers. The motion is referred to this Court for a report and recommendation in accordance with 28 U.S.C. § 636 and Local Rule 72.1(c).

Frye raised the same issue by a motion filed on April 7, 2006. This court recommended, by a report filed on June 16, 2006, that the motion be denied. The district court adopted the report and recommendation and denied the motion by an order on August 29, 2006. Frye provides no reason to depart from this prior ruling, and to the extent that Frye moves for a preliminary injunction, this Court relies upon its report and recommendation of June 16, 2006. Being duly advised of all the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT:**

1. Frye's motion for a preliminary injunction (Doc. No. 204) be **DENIED**.
2. This Court's report and recommendation of June 16, 2006 is incorporated by reference.

Dated this 29th day of September, 2006.

s/ Jeanne J. Graham

JEANNE J. GRAHAM

United States Magistrate Judge

NOTICE

Pursuant to Local Rule 72.2(b), any party may object to this report and recommendation by filing and serving specific, written objections by **October 19, 2006**. A party may respond to the objections within ten days after service. Any objections or responses filed under this rule shall not exceed 3,500 words. A District Judge shall make a de novo determination of those portions to which objection is made. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the United States Court of Appeals for the Eighth Circuit.